

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

## **SCHEDULING AND TRIAL ORDER**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties' views in the matter, the following schedule is hereby established:

## I. DISCOVERY PLAN AND SCHEDULING DEADLINES

<b>Discovery Plan and Scheduling</b>	<b>Deadlines</b>
Expert Designation as to Conditional Class Certification	5/11/2023
Rebuttal Expert Designation as to Conditional Class Certification	6/1/2023
Expert Disclosure for Rule 23 Certification Motion	30 days after the close of the FLSA opt-in period or Court's denial of Plaintiffs' Motion for FLSA Conditional Class Certification
Rebuttal Expert Disclosure for Rule 23 Certification Motion	30 days after the date above
Plaintiffs' Motion for FLSA Conditional Class Certification	6/27/2023
Defendant's Response to Plaintiffs' Motion for FLSA Conditional Class Certification	45 days after Plaintiffs' Motion for Class Certification is filed
Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion for FLSA Conditional Class Certification	21 days after Defendant's Response to Plaintiffs' Motion for Class Certification is filed
Plaintiffs' Motion for Rule 23 Class Certification	The earlier of 90 days following the close of the FLSA opt-in period or the date the Court denies Plaintiffs' Motion for FLSA Conditional Class Certification

Defendant's Response in Opposition	45 days after the above date
Plaintiffs' Reply in Support of Motion for Rule 23 Class Certification	21 days after Defendant's Response in Opposition
Mediation	6/21/2023
Joint Proposed Amended Scheduling Order	Within two weeks of either the close of the Rule 23 Class notice period (if Rule 23 certification is granted) or the Court's order denying Rule 23 certification

## II. COURT CONFERENCES AND TRIAL DATE

Court Setting	Guidelines	Date	Time
Court Status Conference Date		1/9/2024	10:30 am
Initial Pretrial Conference Date	30 days before trial	TBD	
Final Pretrial Conference Date	Thursday or Friday before trial	TBD	
Trial Date	150 days from dispositive motion deadline	TBD	8:30 a.m.

## III. PRETRIAL AND TRIAL FILING DEADLINES

Pretrial and Trial Documents	Deadlines
Motions in Limine	14 days prior to initial pretrial conference
Responses to Motions in Limine	7 days prior to initial pretrial conference
Deposition Designations	14 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Objections to Deposition Designations	10 days prior to initial pretrial conference
Cross-Exam Deposition Designations	10 days prior to initial pretrial conference
Objections to Cross-Exam Deposition Designations	7 days prior to initial pretrial conference
Stipulation of Uncontested Facts	3 days prior to initial pretrial conference (Local Rule 40.1)
Stipulation of Admissibility of Evidence	3 days prior to initial pretrial conference
Witness List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))

Exhibit List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Jury Instructions (if jury trial)	14 days prior to trial (Local Rule 40.1 and 51.1)
Trial Briefs	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))
Voir Dire (if jury trial)	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))

#### IV. CHAMBERS' PROTOCOL

1. **COURT CONFERENCES.** (See Section II above). Generally, conferences in Western and St. Joseph Division cases are held at the U.S. District Courthouse in Kansas City, Missouri. Conferences in cases pending in all other divisions (Central, Southern, and Southwestern) are generally held via telephone.

2. **DISCOVERY DISPUTES.** Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, contact the Court at (816) 512-5110. Parties are to utilize the discovery dispute protocol on the Court's web page at [www.mow.uscourts.gov/judges/ketchmark](http://www.mow.uscourts.gov/judges/ketchmark).

3. **EXPERT WITNESSES.** Expert witnesses include retained experts as well as fact witnesses from whom expert opinions will be elicited at trial.

For expert witnesses identified in Fed. R. Civ. P. 26(a)(2)(B), the designation shall include a statement signed by the witness, containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi). Expert witnesses may testify only as to matters contained in the signed statement described above unless leave of Court is granted upon good cause shown. If a treating physician will testify beyond the treatment they provided, they shall also provide a signed statement containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi).

However, if a treating physician will testify only as to treatment they provided, the requirements of this section may be satisfied by providing a copy of all the treating physician's files, records and notes relating to the treating physician's patient to the opposing party. For the purpose of this paragraph, a "treating physician" is a doctor (including psychiatrist, dentist or other practitioner of the healing arts) retained by a party prior to retaining counsel in this matter.

4. **COMPLETION OF DISCOVERY.** All discovery requests and depositions shall be submitted and/or scheduled prior to the deadline for completion of discovery, and shall allow

sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Rules, and/or orders of this Court.

**5. SUMMARY JUDGMENT MOTIONS.** All motions for summary judgment shall comply with Local Rules 7.0 and 56.1. The response and reply shall set forth (restate) each statement of fact, and additional statement of fact, utilizing the original paragraph number immediately before admitting or denying factual statements.

**IT IS SO ORDERED.**

s/ Roseann A. Ketchmark  
ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 24, 2023